



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,346	02/19/2002	Akira Takano	F05-138810M/ARK	1374

7590 11/26/2002

McGinn & Gibb, PLLC
Suite 200
8321 Old Courthouse Road
Vienna, VA 22182-3817

EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/076,346	Applicant(s) Takano et al.
	Examiner Hilary Gutman	Art Unit 3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on _____.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1 is/are allowed.

6) Claim(s) 3 and 4 is/are rejected.

7) Claim(s) 2, 5, and 6 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

4) Interview Summary (PTO-413) Paper No(s). _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Art Unit: 3612

DETAILED ACTION

Priority

✓ 1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities:

✓ On page 2, line 7, "a" should be "an".

✓ On page 3, line 2, "are" should be inserted before "assembled". Also on line 25, "preferably" should be "preferable".

✓ On page 5, line 11, "Figs. 2, 4," should be "Figs. 2 and 4".

✓ On page 7, line 25, the phrase "(not shown)" at the end of the sentence should perhaps be inserted instead after "bolts".

✓ On page 8, lines 5-6, the phrase "(not shown)" at the end of the sentence on line 6 should perhaps instead be inserted after "bolts" on line 5. Also on line 10, "the" or "an" should be inserted before "assembling".

✓ On page 10, line 21, "at an outside" should perhaps be "at a location outside".

✓ On page 11, line 1, "each other" should perhaps be "each component".

Appropriate correction is required.

Art Unit: 3612

✓ 3. The abstract of the disclosure is objected to because on line 2, "in such a manner as" should perhaps be deleted. Correction is required. See MPEP § 608.01(b). ?

Claim Objections

✓ 4. Claims 2 and 5 are objected to because of the following informalities:

In claim 2, on line 3, "vertically wall" should be "vertical wall".

In claim 5, on line 2, "steps of;" should be "steps of:".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claims 3 and 4 both recite the limitation "the toe board side" in line 5. There is insufficient antecedent basis for this limitation in the claims.

Allowable Subject Matter

7. Claim 1 is allowed.

Art Unit: 3612

8. Claims 2 and 5⁶ are objected to as containing minor informalities, but would be allowable if rewritten to overcome these informalities.

9. Claims 3-4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show other blower unit mounting structures similar to that of the current invention.

11. Any inquiry concerning this communication from the examiner should be directed to Hilary L. Gutman whose telephone number is (703) 305-0496.

12. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 305-3597, (for formal communications intended for entry)

or:

(703) 305-0285, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").

hlg
10/30/02

11/4/02
STEPHEN T. GORDON
PRIMARY EXAMINER